

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
MEMPHIS DIVISION

FILED BY  D.C.

DEC 14 PM 2:37

JANIS WHITTEN, et al.,

Plaintiffs,

vs.

MICHELIN AMERICAS RESEARCH  
& DEVELOPMENT CORPORATION, et al.,

Defendants.

No. 05-2761-MI V

Jury Demanded

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TENN. MEMPHIS

~~PROPOSED~~ RULE 16(B) SCHEDULING ORDER

I. Pursuant to Rule 16(b), counsel for the parties have conferred regarding the discovery plan for the above-styled cause. Participating were Mr. Corey B. Trotz, Attorney for Plaintiffs and Mr. Benjamin E. Baker and Ms. Dana Taunton, Of Counsel for Plaintiffs; Mr. W.J. Michael Cody and Ms. Jennifer S. Hagerman, Attorneys for Michelin North America, Inc. and Michelin Americas Research and Development Corporation; Mr. A.M. Quattlebaum, Jr., Of Counsel for Michelin North America, Inc.; Ms. Elizabeth C. Helm, Of Counsel for Michelin Americas Research and Development Corporation; Mr. David I. Feigelson, Attorney for James R. Holland d/b/a Jim's Used Cars; Mr. J. Randolph Bibb, Jr. and Ms. Emily T. Landry, Attorneys for Isuzu Motors America, Inc., Isuzu Motors Limited and Subaru of Indiana Automotive, Inc. and Mr. Chris C. Spencer and Ms. Elizabeth A. Kinland, Of Counsel for Isuzu Motors America, Inc., Isuzu Motors Limited and Subaru of Indiana Automotive, Inc.

II. Pursuant to Rule 26(f) and by agreement of counsel, the parties reported that initial disclosures as required by Rule 26(a)(1) will be made by the Plaintiff on or before January 6, 2006 and by the Defendants on or before January 6, 2006.

III. Pursuant to agreement among the parties and in accordance with the Rule 26(f) proposed discovery plan submitted by the parties, the following dates were established as the final dates for:

JOINING PARTIES:

(a) Plaintiffs' and Defendants' deadline for joining parties is March 27, 2006.

AMENDING PLEADINGS

(a) Plaintiffs' and Defendants' deadline for amending pleadings is March 27, 2006.

COMPLETING ALL DISCOVERY: October 30, 2006 (leaving time for a party to respond within the time period set forth).

(a) REQUESTS FOR PRODUCTION, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: July 17, 2006

(b) DEPOSITIONS (other than experts): July 17, 2006

(c) EXPERT DISCLOSURES UNDER RULE 26(a)(2):

(1) Disclosure of Plaintiffs' Rule 26 Expert Information: July 24, 2006

(2) Deadline for Depositions of Plaintiffs' Experts: August 28, 2006

(3) Disclosure of Defendants' Rule 26 Expert Information: September 25, 2006

(4) Deadline for Depositions of Defendants' Experts: October 30, 2006

(d) RULE 26(e) SUPPLEMENTATION DUE: November 15, 2006

(e) DISCLOSURE OF WITNESSES AND EXHIBITS UNDER RULE 26(a)(3):

(1) Deadline for Plaintiffs' Final Lists of Witnesses and Exhibits under Rule 26(a)(3): Forty-five (45) days prior to trial.

- (2) Deadline for Defendants' Final Lists of Witnesses and Exhibits under Rule 26(a)(3): Forty-five (45) days prior to trial.

(f) PARTIES HAVE 14 DAYS AFTER SERVICE OF FINAL LISTS OF WITNESSES AND EXHIBITS TO LIST OBJECTIONS UNDER RULE 26(a)(3).

(g) PRETRIAL MOTIONS

- (1) Deadline for filing dispositive motions: November 30, 2006

IV. OTHER RELEVANT MATTERS:

No Depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection shall be waived.

This case is set for jury trial, and the trial is expected to last fifteen (15) days. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59 and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge. This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.

Stipulated by the parties this 13th day of December, 2005.

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Adopted by the Court this 13<sup>th</sup> day of December 2005

Deanne K. Uscov  
United States Magistrate Judge



## Notice of Distribution

This notice confirms a copy of the document docketed as number 18 in case 2:05-CV-02761 was distributed by fax, mail, or direct printing on December 14, 2005 to the parties listed.

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Honorable Jon McCalla  
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